

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Benjamin D. Negron,

DEBTOR.

CHAPTER 13

CASE NO. 19-42608-PJS

JUDGE PHILLIP J. SHEFFERLY

TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN

NOW COMES the Chapter 13 Standing Trustee, David Wm. Ruskin, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to L.B.R. 3015-3(a) (E.D.M.) as follows:

1. The debtor has failed to provide copies of the debtor's complete 2017 Federal Income Tax returns prior to the First Meeting of Creditors as required by 11 U.S.C. Section 521(e)(1)(2)(A). The Trustee therefore requests that the debtor produce the debtor's complete 2017 income tax returns no later than 14 days prior to the scheduled Confirmation Hearing in order for the Trustee to determine whether the debtor's Plan complies with 11 U.S.C. Section 1325(b), 11 U.S.C. Section 1325(a)(3) and 11 U.S.C. Section 1325(a)(6).

2. The debtor has failed to provide proof of year to date Profit and Loss statements for debtor and debtor's non-filing spouse's businesses prior to the First Meeting of Creditors as required by 11 U.S.C. Section 521. The Trustee therefore requests that the debtor produce proof of year to date Profit and Loss statements for debtor and debtor's non-filing spouse's businesses no later than 14 days prior to the scheduled Confirmation Hearing in order for the Trustee to determine whether the debtor's Plan complies with 11 U.S.C. Section 1325(b), 11 U.S.C. Section 1325(a)(3) and 11 U.S.C. Section 1325(a)(6).

3. Based upon the debtor's Schedule I, the debtor discloses business income for both the debtor and the debtor's non-filing spouse, however, the debtor has failed to attach a detailed statement to Schedule I as required by the Official Form. Accordingly, the debtor's Plan fails to comply with 11 U.S.C. Section 1325.

4. As of April 17, 2019, the Trustee has not been served with a true copy of the debtor's Payment Order, nor a copy of an Electronic Transfer of Funds Payment Order, nor an Order excusing the requirement for the same, as required by E.D. Mich. L.B.R. 1007-1(c).

5. The amount of the proposed funding in the Plan is not sufficient to pay all claims as proposed in the Plan (the Plan is underfunded). Therefore, the debtor fails to provide for the submission of sufficient future earnings or future income for the execution of the Plan as required by 11 U.S.C. 1322(a)(1).

6. Based upon the debtor's testimony at the First Meeting of Creditors, the debtor has \$300.00 in a retirement account that the debtor fails to disclose on the debtor's Schedule A/B and

in the Liquidation Analysis of the debtor's Chapter 13 Plan. Accordingly, the debtor's Plan fails to comply with 11 U.S.C. Section 1325.

WHEREFORE, the Chapter 13 Standing Trustee requests this Honorable Court deny confirmation of the debtor's Chapter 13 Plan unless modified to meet these objections.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: April 17, 2019

By: /s/ Lisa K. Mullen
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
Attorneys for Chapter 13 Trustee,
David Wm. Ruskin
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF CHAPTER 13 PLAN**

I hereby certify that on April 17, 2019, I electronically filed the Trustee's Objections to Confirmation of Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

BABUT LAW OFFICES PLLC
700 TOWNER STREET
YPSILANTI, MI 48198-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Benjamin D. Negron
406 Fern Ave.
Jackson, MI 49202-0000

/s/ Vanessa Wild

Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee - Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755